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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/148,832	09/04/1998	HIROTOSHI MAEGAWA	P3203-8003	4033

4372 7590 12/17/2003

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EXAMINER

HAYES, JOHN W

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/148,832

Applicant(s)

MAEGAWA ET AL.

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Status of Claims

1. Applicant has previously canceled claim 1. Also claims 18, 35 and 52 have been amended in the amendment filed 16 October 2003. Thus, claims 2-52 remain pending and are again presented for examination.

Response to Arguments

2. Applicant argues that the Ginter fails to teach that the data relating to a transaction and attribute has a format defining a boundary in accordance with an attribute for the transaction and that the scope of data is used for the transaction. Applicant further argues that Ginter fails to teach that the transaction management means performs processing relating to the transaction on the basis of the boundary of the data package every time the data package is received by the data utilization means. Examiner submits that the reference to Ginter does disclose these features of the claims as currently amended as shown below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 2-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al, U.S. Patent No. 5,892,900.

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As per claims 52, 18 and 35, Ginter et al disclose a network system (Col. 3, lines 20-25) for suitably distributing any content (Col. 8, lines 23-36; Col. 53, lines 55-60) as a transactable product comprising

- one or more data server means, data utilization means, and transaction management means comprised on the network (Figure 2 and 79-84),
- said data server means and utilization means (Figures 1, 1A and 2 and Col. 54, lines 20-35; Col. 55, lines 32-60) transmit and receive through the network a data package (information package) including a data relating to the transaction which is composed of content materials and/or references to content materials and the attribute data which define an attribute of said data relating to the transaction (Col. 10, lines 8-31; Col. 46, lines 5-27 and 47-67; Col. 54, line 64-Col. 55 line 11; Col. 56, lines 6-29; Col. 56 line 65-Col. 57 line 24; Col. 57, line 65-Col. 58 line 12; Col. 137, lines 50-65)
- and in which the data relating to the transaction, and the attribute data has a format defining a boundary in accordance with an attribute for the transaction and the scope of data to be used for the transaction (Col. 10, lines 8-31; Col. 46, lines 5-27 and 47-67; Col. 54, line 64-Col. 55 line 11; Col. 56, lines 6-29; Col. 56 line 65-Col. 57 line 24; Col. 57, line 65-Col. 58 line 12; Col. 137, lines 50-65)
- said data server means supply through the network the data package (Col. 56, lines 6-29; Col. 57 line 65-Col. 58 line 12),
- said data utilization means receive the supplied data package, and substantially acquiring and utilizing said data of said content according to said boundary (Col. 56, lines 25-30; Col. 58, lines 35-50, Col. 60 line 58-Col. 61 line 18; Col. 62, lines 31-50), and
- said transaction management means performs processing relating to the transaction on the basis of said attribute data every time said data package is received by said data server means or said data utilization means (Col. 10, lines 8-31; Col. 46, lines 5-27 and 47-67; Col. 54, lines 33-35; Col. 55, lines 44-48; Col. 58 line 62-Col. 59 line 6).

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Furthermore, Ginter discloses that data "containers" contain data relating to both the information content and the "rules and controls" or "permissions" for using the data (Figure 5A and 19; Col. 54 line 64-Col. 55 line 11; Col. 56, lines 20-25; Col. 56 line 65-Col. 57 line 24; Col. 57, lines 65-Col. 58 line 12; Col. 59 line 23-Col. 60 line 6). Ginter further discloses that the "rules and controls" may be distributed with the content or separate from the content, and wherein the "rules and controls" are used to set attributes having a format defining boundaries related to the transaction such as who has permission to distribute the rights to use the content (Col. 56, lines 6-29), how many users are allowed to use the content, what a user can and can't do with the content and how much it costs to use the content (Col. 56, lines 20-25). Ginter further discloses that the "rules and controls" may specify permissions and grant specific individuals or classes of content users access to certain content, what kinds of content usage are permitted and what kinds are not. They may specify how content usage is to be paid for and how much it costs and may require content usage information to be reported back to the distributor and/or content creator (Col. 56 line 65-Col. 57 line 24) which examiner submits is setting boundaries according to an attribute for the transaction. Furthermore, Ginter discloses that the "rules and controls" may specify other boundaries according to an attribute for the transaction such as which financial clearinghouses may process the payments (Col. 57, lines 15-20). Ginter also discloses a metering process that may be specified in the "rules and controls" and includes information such as the type of usage to charge for, what kind of unit to base charges on, how much to charge per unit and how to pay (Col. 58, lines 50-61). Ginter discloses a budget process that limits the amount of content usage that is permitted which is based upon the number of dollars available in a credit account and the budget process records and reports financial and other transaction information associated with such limits (Col. 58 line 64-Col. 59 line 4). Ginter also discloses the use of traveling objects which include budgets reflecting previously purchased rights or credit for future licensing or purchasing, and budgets that employ (and may debit) available credit stored on and managed by the local VDE node in order to enable object content use (Col. 138, lines 5-19). Ginter discloses that a traveling object may include references to a consumer's VISA, MC, AMEX or other budget that may be used for bill handling and resulting payments (Col. 138, lines 28-55). Ginter also discloses that the information objects may be configured for authenticating, controlling and/or

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auditing electronic commercial transactions and communications such as inter-bank transactions and electronic purchasing communications (Col. 141, lines 5-25).

As per claims 2, 5, 19, 22, 36 and 39, Ginter et al further disclose a network system wherein the boundary set for said data package includes a boundary relating to charging for a transaction of said content, said information of said predetermined attribute included in the data package includes information relating to charging for said content (Col. 46, lines 14-27; Col. 57 lines 1-8; Col. 58, lines 50-61), and said transaction management means has a charging processing means for carrying out processing based on said information relating to charging every time content delineated by said boundary is newly substantially acquired by said data utilization means (Col. 48, lines 45-48; Col. 55, lines 44-50; Col. 58, lines 35-49).

As per claims 3, 20 and 37, Ginter et al further disclose a network system wherein the boundary set for said data package includes a boundary whereby the content delineated by said boundary is content for which a predetermined property right is set, said information of said predetermined attribute included in the data package includes information relating to said property right of said content (Col. 4, lines 28-40; Col. 7, lines 1-12; Col. 54, line 62-Col. 55 line 11; Col. 56, lines 6-24; Col. 56 line 65-Col. 57 line 8), and said transaction management means has a property right management means for carrying out processing for updating a property right of content acquired based on said information relating to said property right every time content delineated by said boundary is newly substantially acquired by said data utilization means (Col. 10, lines 22-31; Col. 46, lines 48-67; Col. 56, lines 25-30).

As per claims 4, 21 and 38, Ginter et al further disclose a network system wherein the boundary set for said data package includes a boundary whereby the content delineated by the boundary is content which at least delineated into a range for which substantial acquisition has been authorized by an authorization, said information of said predetermined attribute included in the data package includes information relating to authorization for substantial acquisition of said content of said data package (Col.

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4, lines 28-40; Col. 7, lines 1-12; Col. 54, line 62-Col. 55 line 11; Col. 56, lines 6-24; Col. 56 line 65-Col. 57 line 8), and said transaction management means has a transaction authorization means for carrying out processing for authorization of transactions to control said substantial acquisition of said content based on said information relating to authorization of transactions when said data utilization means attempts to newly substantially acquire content delineated by said boundary (Col. 10, lines 22-31; Col. 46, lines 48-67; Col. 56, lines 25-30).

As per claims 6, 23 and 40, Ginter et al further disclose a network system as set forth in claim 5, wherein the boundary set for said data package includes a boundary whereby the content delineated by the boundary is content which is at least delineated into a range owned by a predetermined owner and for which substantial acquisition has been authorized by an authorization, said information of said predetermined attribute included in the data package includes information relating to ownership of said content (Col. 4, lines 28-40; Col. 7, lines 1-12; Col. 54, line 62-Col. 55 line 11; Col. 56, lines 6-24; Col. 56 line 65-Col. 57 line 8; Col. 135, lines 22-29), and said transaction authorization means of said transaction management means carries out said processing for authorization of transactions based on said information relating to ownership when said data utilization means attempts to newly substantially acquire content delineated by said boundary (Col. 10, lines 22-31; Col. 46, lines 48-67; Col. 56, lines 25-30).

As per claims 7, 24 and 41, Ginter et al further disclose a network system as set forth in claim 6, wherein the boundary set for said data package includes a boundary whereby the content delineated by the boundary is content which is at least delineated into a range which has value as a creative work and for which substantial acquisition has been authorized by an authorization, said information of said predetermined attribute included in the data package includes information relating to a copyright of said content (Col. 4, lines 28-40; Col. 7, lines 1-12; Col. 47, lines 30-35; Col. 54, line 62-Col. 55 line 11; Col. 56, lines 6-24; Col. 56 line 65-Col. 57 line 8), and said transaction authorization means of said transaction management means carries out said processing for authorization of transactions based on said information relating to said copyright when said data utilization means attempts to newly substantially

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acquire content delineated by said boundary (Col. 10, lines 22-31; Col. 46, lines 48-67; Col. 56, lines 25-30).

As per claims 8, 25 and 42, Ginter et al further disclose a network system as set forth in claim 7, wherein said information of said predetermined attribute of said data package includes information designating said transaction authorization means for carrying out processing relating to authorization of substantial acquisition and said transaction authorization means is provided on any node on the network and is driven by being called up by said transaction management means based on said information designating said transaction authorization means (Col. 10, lines 22-31; Col. 46, lines 15-27 and 48-67; Col. 48, lines 34-50; Col. 55, lines 44-50; Col. 56, lines 25-30; Col. 56 line 65-Col. 57 line 8; Col. 58, lines 50-67).

As per claims 9, 26 and 43, Ginter et al further disclose network system as set forth in claim 8, wherein the substantial acquisition of said content in said data utilization means includes acquisition of said data package and use of said content based on information relating to control for utilization of said content included in the attribute data (Col. 56, lines 25-30; Col. 58, lines 35-50, Col. 60 line 58-Col. 61 line 18; Col. 62, lines 31-50),

As per claims 10, 27 and 44, Ginter et al further disclose a network system as set forth in claim 9, wherein said information relating to control for utilization of said content included in said data package has information for control of said content from the node in which the content exists to the node of the data utilization means and further provision is made of a transmission means for transmitting said content to said data utilization means through said network based on information for controlling said transmission when the data utilization means has requested substantial acquisition of said content (Col. 54, lines 10-32; Col. 54 line 63-Col. 55 line 23; Col. 55 line 62-Col. 56 line 29).

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As per claims 11, 28 and 45, Ginter et al further disclose a network system as set forth in claim 10, wherein

- said data package has, as its content, time series continuous data existing on any node on said network and has, as information for control for utilization of said content, information for control of transmission of said time series continuous data to said data utilization means (Col. 8, lines 27-36; Col. 9, lines 10-32; Col. 53, lines 55-60),
- provision is further made of a transmission management means generated on any node on the network for managing the transmission of said time series continuous data based on said information relating to control for utilization of said content when said data utilization means requests substantial acquisition of said time series continuous data (Col. 10, lines 22-32,
- a transmission means generated by said transmission management means on the node where said time series continuous data exists for acquiring said time series continuous data and transmitting it in a predetermined transfer format (Col. 54, lines 18-32; Col. 55, lines 1-11; Col. 56, lines 6-24), and
- a reception means generated by said transmission management means on the node where said data utilization means exists for receiving data transmitted by said predetermined format and supplying it to said data utilization means (Col. 56, lines 25-30; Col. 60 line 58-Col. 61 line 18), and
- a desired location of said time series continuous data is transmitted to said data utilization means and said data utilization means substantially acquires said transmitted time series continuous data through said transmission means and said reception means based on the control of said transmission management means (Col. 56 line 65-Col. 57 line 8).

As per claims 12, 29 and 46, Ginter et al further disclose a network system as set forth in claim 11, wherein said information relating to control for utilization of said content includes information designating a processing means for utilization of said content and all, some, or one of information on a

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type of the content, a property of the content, restrictions on utilization, owner, creator, type of content, and type of service (Col. 56 line 65-Col. 57 line 24).

As per claims 13, 30 and 47, Ginter et al further disclose a network system as set forth in claim 12, wherein said data package further included information relating to the nature of the content itself (Col. 267, lines 26-54; Col. 286, lines 7-33).

As per claims 14, 31 and 48, Ginter et al further disclose a network system as set forth in claim 14, wherein any information of said information of the data package is information referring to information substantially existing in another data package (Col. 55, lines 1-11; Col. 56, lines 12-24; Col. 57 line 55-Col. 58 line 13).

As per claims 15-17, 32-34 and 49-51, Ginter et al further disclose a network as set forth in claim 14, wherein said data package substantially has part of information substantially existing in said other data package, a reference request generating means for generating a reference request for referring to the entity of the data when the data utilization means utilizes information of the data package referring to another data package, and a management means for managing information on nodes in the vicinity of any node on the network and for searching for a destination of reference (Figures 2-3, 77 and 80-84; Col. 55, lines 1-11; Col. 56, lines 12-24; Col. 57 line 55-Col. 58 line 13), and furthermore wherein a further provision is made of a data package disposal means for managing the state by which information of the data package is referenced from other data packages and managing the disposal of the data package based on the managed state (Col. 10, lines 8-31; Col. 46, lines 5-27 and 47-67; Col. 54, line 64-Col. 55 line 11; Col. 56, lines 6-29; Col. 56 line 65-Col. 57 line 24; Col. 57, line 65-Col. 58 line 12; Col. 137, lines 50-65) .

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. The prior art previously made of record and not relied upon is considered pertinent to applicant's disclosure.

- Logston et al disclose a interactive information services control system that allows a customer to use a set top terminal to request interactive digital video, audio and data services from a service provider
- Billock et al disclose a telecasting service for providing video programs on demand and teach the use of a data package that includes data representing the category, classification, description of the content as well as the content itself

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- Brugger discloses a device for the distribution of music information in digital form from a central server to a server using information objects
- Stefik discloses a system for controlling the distribution and use of digital works having attached usage rights where the usage rights are defined
- Iwayama et al disclose a method and device for utilizing data content including a utilization permitting device for generating utilization permission information used to decode data contents desired by a user
- Tsumura discloses an information service whereby multimedia digital information is distributed and wherein control information is added to the information to expedite the use of the information
- Yoshizawa et al disclose an interactive chargeable communication system with a billing system
- McDonald et al disclose a multimedia public communication services distribution method and apparatus with distribution of configuration files.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

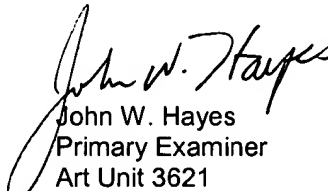
***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-5531 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,
VA, 7th floor receptionist.


John W. Hayes
Primary Examiner
Art Unit 3621

December 15, 2003